

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

JERRY RENE BUSH,	§	
	§	
VS.	§	CIVIL ACTION NO.4:05-CV-557-Y
	§	
DOUGLAS DRETKE, Director,	§	
T.D.C.J., Correctional	§	
Institutions Division,	§	
Respondent.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Jerry Rene Bush under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on February 24, 2006; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on March 8, 2006.

The Court, after de novo review, concludes that Bush's objections must be overruled, that the motion to stay and hold the petition in abeyance should be denied, and that the petition for writ of habeas corpus should be dismissed with prejudice, for the reasons stated in the magistrate judge's findings and conclusions.

In the alternative, the Court has considered Bush's substantive claims for relief in the petition as follows:

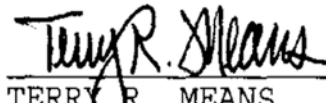
1. The sentence of 75 years exceeds the maximum sentence allowed by law;
2. The sentence imposed exceeds the intent of the legislature and violates the Due Process Clause;
3. The sentence violates the Eight Amendment's ban on cruel and unusual punishment;
4. Denial of effective assistance of counsel on appeal;
5. The indictment was defective; and
6. Denial of effective assistance of counsel at trial.

After review and consideration of Bush's claims on the merits, the Court concludes that Bush has not satisfied the standards to be entitled to relief under 28 U.S.C. § 2254(d) and (e)(1) for the reasons set out in sections II and III, at pages 9-21 of the respondent's answer. Thus, the petition for writ of habeas corpus is alternatively denied.

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED, such that Petitioner's motion to stay and hold the case in abeyance [docket no. 2] is denied, and the petition for writ of habeas corpus is DISMISSED WITH PREJUDICE.

In the alternative, all claims for relief in the petition for writ of habeas corpus are DENIED.

SIGNED March 30, 2006.

  
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TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE